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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA


10 BENJAMIN BURGOS,) CASE NO. CV 12-7146-SVW (PJW)
11)
12) Petitioner,) ORDER ACCEPTING REPORT AND
13) v.) ADOPTING FINDINGS, CONCLUSIONS,
14) MARION SPEARMAN, WARDEN,) AND RECOMMENDATIONS OF UNITED
15) STATES MAGISTRATE JUDGE, AND
16) DENYING CERTIFICATE OF
17) APPEALABILITY
18) Respondent.)
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16 Pursuant to 28 U.S.C. Section 636, the Court has reviewed the
17 Petition, records on file, and the Report and Recommendation of the
18 United States Magistrate Judge. Further, the Court has engaged in a
19 *de novo* review of those portions of the Report to which Petitioner has
20 objected. The Court accepts the findings and recommendation of the
21 Magistrate Judge.

22 Further, for the reasons stated in the Report and
23 Recommendation, the Court finds that Petitioner has not made a
24 substantial showing of the denial of a constitutional right and
25 therefore, a certificate of appealability is denied. See 28 U.S.C.
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1 § 2253(c)(2); Fed. R. App. P. 22(b); *Miller-El v. Cockrell*, 537 U.S.
2 322, 336 (2003).

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4 DATED: 5/5/14.

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8 STEPHEN V. WILSON
9 UNITED STATES DISTRICT JUDGE
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